

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

The Center for Investigative Reporting, Inc.

Plaintiff	Case Number
vs.	1:24-cv-04872
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

The New York Times Company

Plaintiff	Case Number
vs.	1:23-cv-11195-SHS
Defendant	

Status of Earlier Filed Case:

Closed (If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

Open (If so, set forth procedural status and summarize any court rulings.)

The New York Times sued Microsoft and OpenAI on Dec. 27, 2023, bringing claims including for direct and contributory copyright infringement, and removal of copyright management information and distribution of works from which copyright management information has been removed under the Digital Millennium Copyright Act. The claims relate to Defendants' generative artificial intelligence products. On Jan. 2, 2024, the case was marked related to the "Authors Guild Action" (No. 23-cv-08292). On May 3, 2024, the case was marked related to the "Daily News Action" (No. 24-cv-03285). The "Authors Guild Action" has also been consolidated for pretrial purposes with the "Alter Action" (Case No. 23-cv-10211), and with the "Basbanes-Gage Action," (Case No. 24-cv-00084), both class actions.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

This lawsuit is brought on behalf of a news organization that operates the brands Mother Jones and Reveal. Like the New York Times and Daily News plaintiffs, Plaintiff here asserts claims for direct and contributory copyright infringement, and claims for removal of copyright management information and distribution of works from which copyright management information has been removed under the Digital Millennium Copyright Act. Plaintiffs do not assert certain other claims made by the New York Times and Daily News plaintiffs, including unfair competition and trademark dilution. The claims arise from substantially similar acts, including the Defendants' unauthorized use of Plaintiff's content to train large language models and power generative artificial intelligence products. Accordingly, the basic legal theories, sources of liability, relief requested, basis of jurisdiction, and factual allegations regarding Defendants' conduct brought in The New York Times and Daily News cases are the same for all the claims common to these cases. We expect that there will be substantial overlap between the legal and factual issues between the cases, and designating these cases as related would avoid duplicative efforts, expenses, and burdens on the Court.

Signature: /s/ Stephen Stich Match Date: 06/27/2024
Firm: Loevy & Loevy